

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

| | | |
|--------------------------------|---|---------------------------|
| NORTHWEST BYPASS GROUP, et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil No. 06-CV-00258-JAW |
| |) | |
| U.S. ARMY CORPS |) | |
| OF ENGINEERS, et al. |) | |
| |) | |
| Defendants. |) | |

ORDER ON PLAINTIFFS' MOTION FOR LEAVE TO FILE REPLY

On September 15, 2006, this Court denied Plaintiffs' motion for temporary restraining order. *See Order* (Docket # 46). Plaintiffs filed a motion for reconsideration on September 24, 2006 (Docket # 50), and an addendum to that motion on September 26, 2006 (Docket # 54). The several defendants filed an opposition to the motion for reconsideration. *See Def. City of Concord's Objection to Pls.' Mot. to Reconsider* (Docket # 55); *Objection of Concord Hospital and St. Paul's School to Pls.' Mot. to Reconsider* (Docket # 58); *Federal Defs.' Memo. in Opposition to Mot. to Reconsider* (Docket # 65). In response, Plaintiffs moved for leave to file a reply brief pursuant to Local Rule 7.1(e)(2), attaching to the motion a copy of the reply it desires to file with the Court. *See Pls.' Mot. for Leave to File Reply to Def. City's Objection to Mot. to Reconsider Order on Temporary Restraining Order with Request for Expedited Action* (Docket # 57). This motion, in kind, was met with Defendants' opposition. *See Objection of Concord Hospital and St. Paul's School to Pls.' Mot. for Leave to File Reply to City's Objection to Pls.' Mot. to Reconsider* (Docket # 59); *Federal Defs.' Objection to Pls.' Mot. for Leave to File Reply*

(Docket # 60); *Def. City of Concord's Joinder to Federal Defs.' Objection to Pls.' Mot. for Leave to File Reply* (Docket # 61).

The gist of the opposition is that Plaintiffs are using the reply memorandum to raise arguments not previously briefed, and that the Court already has ample information to make its decision. Notwithstanding these objections, the Court GRANTS Plaintiffs' motion for leave to file a reply (Docket # 57). To the extent Plaintiffs raise new issues, the Court sustains the objections of the Defendants and will not consider those portions of the reply.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE
SITTING BY DESIGNATION

Dated this 31st day of October, 2006